

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KAREN ANN DUENAS**  
**a.k.a. KAREN ANN CORTESE**  
**a.k.a. KAREN ANN GHANE**  
**1503 Bancroft Court**  
**San Leandro, CA 94578**

**Registered Nurse License No. 391701**

Respondent

Case No. 2012-642

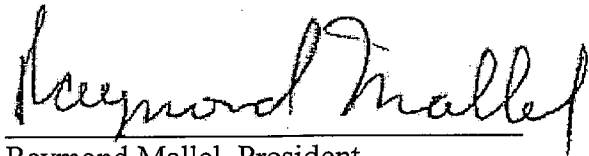
OAH No. 2012070026

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 26, 2013.**

IT IS SO ORDERED **March 29, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA. 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 Attorneys for Complainant

8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

FILED

AUG 24 2012

Office of Administrative Hearings  
By \_\_\_\_\_

11 In the Matter of the Accusation Against:

Case No. 2012-692

12 KAREN ANN DUENAS, aka KAREN ANN  
CORTSESE, aka KAREN ANN GHANE  
13 1503 Bancroft Court  
San Leandro, CA 94578  
14 Registered Nurse License No. 391701

OAH Case No. 2012070026

STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL

15 Respondent.

[Bus. & Prof. Code § 495]

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. LOUISE R. BAILEY, M.Ed., RN (Complainant) is the Executive Officer of the  
21 Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Kim M. Settles, Deputy Attorney General.

24 2. Respondent Karen Ann Duenas, aka Karen Ann Cortese, aka Karen Ann Ghane  
25 (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to  
26 be represented by counsel.

27 3. On or about August 31, 1985, the Board of Registered Nursing, Department of  
28 Consumer Affairs issued Registered Nurse License Number 391701 to Karen Ann Duenas, aka

1 Karen Ann Cortese, aka Karen Ann Ghane. The Registered Nurse License was in full force and  
2 effect at all times relevant to the charges brought in this Accusation and will expire January 31,,  
3 2013, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 2012-692 was filed before the Board of Registered Nursing (Board),  
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
7 and all other statutorily required documents were properly served on Respondent on May 9, 2012.  
8 A copy of Accusation No. 2012-692 is attached as exhibit A and incorporated here by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 2012-692. Respondent has also carefully read, and understands the effects of this  
12 Stipulated Settlement and Disciplinary Order for Public Reprimand.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 2012-692.

25 9. Respondent agrees that her Registered Nurse License is subject to discipline and she  
26 agrees to be bound by the Public Reprimand as set forth in the Board of Registered Nursing  
27 (Board)'s Disciplinary Order below.

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1 shall, by way of letter from the Board's Executive Officer, be publicly reprovod. The letter shall  
2 be in the same form as the letter attached as exhibit B to this stipulation.

3 IT IS FURTHER ORDERED that Respondent shall pay \$1,494.50 to the Board for its costs  
4 associated with the investigation and enforcement of this matter. Respondent shall be permitted  
5 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board  
6 costs as ordered, Respondent shall not be allowed to renew her Registered Nursing License until  
7 Respondent pays costs in full.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repraval.  
10 I understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
11 into this Stipulated Settlement and Disciplinary Order for Public Repraval voluntarily,  
12 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
13 Registered Nursing.

14 DATED: 8/24/12

Karen Duenas  
KAREN ANN DUENAS, aka KAREN ANN  
CORTESE, aka KAREN ANN GHANE  
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order for Public Repraval are hereby  
19 respectfully submitted for consideration by the Board of Registered Nursing of the Department of  
20 Consumer Affairs.

21 Dated: 8/24/12

Respectfully submitted,

22 KAMALA D. HARRIS  
23 Attorney General of California  
24 DIANN SOKOLOFF  
Supervising Deputy Attorney General

25 Kim M. Settles  
26 KIM M. SETTLES  
27 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 2012-692**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES

Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-692**

13 **KAREN ANN DUENAS, aka KAREN ANN**  
14 **CORTESE, aka KAREN ANN GHANE**  
15 **1503 Bancroft Court**  
16 **San Leandro, CA 94578**  
17 **Registered Nurse License No. 391701**

**A C C U S A T I O N**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered  
24 Nurse License Number 391701 to Karen Ann Duenas, aka Karen Ann Cortese, aka Karen Ann  
25 Ghane (Respondent). The Registered Nurse License was in full force and effect at all times  
26 relevant to the charges brought in this Accusation and will expire on January 31, 2013, unless  
27 renewed.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or self  
4 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
5 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
6 of this section, in which event the record of the conviction is conclusive evidence thereof."

7 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
8 revoke a license on the ground that the licensee has been convicted of a crime substantially  
9 related to the qualifications, functions, or duties of the business or profession for which the  
10 license was issued.

#### 11 COST RECOVERY

12 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
13 administrative law judge to direct a licensee found to have committed a violation or violations of  
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
15 enforcement of the case.

#### 16 DRUGS

17 10. Acetaminophen is used to treat mild to moderate pain. It is a Schedule II controlled  
18 substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(G) and a  
19 dangerous drug pursuant to Business and Professions Code section 4022.

20 11. Meloxicam (brand name Mobic) is used to relieve pain, tenderness, swelling, and  
21 stiffness caused by arthritis. It is a dangerous drug pursuant to Business and Professions Code  
22 section 4022.

23 12. Metoprolol (brand name Lopressor) is used to treat high blood pressure and angina.  
24 It is a dangerous drug pursuant to Business and Professions Code section 4022.

25 13. Zolpidem is used to treat insomnia. It is a Schedule IV controlled substance pursuant  
26 to Health and Safety Code section 11056, subdivision (g) and a dangerous drug pursuant to  
27 Business and Professions Code section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 14. Respondent has subjected her license to disciplinary action under sections 2761,  
4 subdivision (f) and 490, in that on or about August 11, 2011, she was convicted by the court on  
5 her plea of no contest of a violation of Vehicle Code sections 23103 (reckless driving) in  
6 Alameda County Superior Court, Case No. 572400, entitled *People v. Karen Cortese-Duenas*. The  
7 circumstances of the crime are that on or about July 2, 2011, Respondent drove a vehicle while  
8 under the influence of Acetaminophen, Meloxicam, Metoprolol, and Zolpidem. Respondent was  
9 sentenced to ninety days in jail, two years probation, and required to pay \$993.00 in fines.

10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct/Use of Drugs)

12 15. Respondent has subjected her license to disciplinary action under section 2761,  
13 subdivision (a), on the grounds of unprofessional conduct as defined in section 2762, subdivision  
14 (b), in that she drove a vehicle while under the influence of drugs, as set forth in paragraph 14,  
15 above.

16 THIRD CAUSE FOR DISCIPLINE

17 (Offense Involving Use of Drugs)

18 16. Respondent has subjected her license to disciplinary action under section 2761,  
19 subdivision (a), on the grounds of unprofessional conduct as defined by Code section 2762,  
20 subdivision (c), by virtue of the conviction set forth in paragraph 14, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 391701, issued to Karen Ann Duenas, aka Karen Ann Cortese, aka Karen Ann Ghane;
2. Ordering Karen Ann Duenas, aka Karen Ann Cortese, aka Karen Ann Ghane to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 9, 2012

*for*   
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**Exhibit B**

**Letter of Public Reproval in Accusation No. 2012-692**



**Board of Registered Nursing**  
P O Box 944210, Sacramento, CA 94244-2100  
P (916) 322-3350 | [www.rn.ca.gov](http://www.rn.ca.gov)  
**Louise R. Bailey, M.ED., RN, Executive Officer**



March 29, 2013

Karen Ann Duenas  
1503 Bancroft Court  
San Leandro, CA 94578

**RE: LETTER OF PUBLIC REPROVAL**

In the Matter of the Accusation Against: Karen Ann Duenas, aka Karen Ann Cortese, aka Karen Ann Ghane  
Board of Registered Nursing Case No. 2012-692; OAH Case No. 2012070026

Dear Karen Ann Duenas:

On May 9, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California ("Board"), filed an Accusation against you. The Accusation alleged that cause exists to discipline your Registered Nurse License under Business and Professions Code ("Code") sections 490 and 2761, subdivision (f), in that you were convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. On August 11, 2011, you were convicted of violating Vehicle Code section 23103 (reckless driving). The factual circumstances surrounding the crime are that on or about July 2, 2011 you drove a vehicle while under the influence of Acetaminophen, Meloxicam, Metoprolol, and Zolpidem. The Accusation also alleged that cause exists for discipline of your license as follows: (1) unprofessional conduct/use of drugs (Code section 2761, subdivision (a), as defined in Code section 2762, subdivision (b)), and (2) conviction of a crime involving use of drugs (Code section 2761, subdivision (a), as defined in Code section 2762, subdivision (c)).

The Board has taken into consideration the following mitigating circumstances: (1) You have successfully completed twelve months of your twenty-four month criminal probation, with the exception of failure to make timely monthly payments for fines and attorney fees, due to financial hardship; (2) You submitted strong letters of support from co-workers and patients; (3) You submitted a favorable, recent employment evaluation; (4) You submitted a letter from your husband stating that he pressured you into picking him up on the night of the arrest, even after you refused to drive because you had already taken your nightly medications. Your husband also stated that he continued to pressure you to pick him up because he believed that he was in a dangerous and unfamiliar area and was afraid for his life. Several of the individuals who wrote character letters on your behalf indicated awareness of your conviction for driving under the influence of drugs. Also considering that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a registered nurse, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

*Louise R. Bailey M.Ed., RN*

LOUISE R. BAILEY, M.ED., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California